

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID IVEY,)	CASE NO. 8:06CV702
)	
Petitioner,)	
)	
v.)	ORDER TO SHOW CAUSE
)	
ROBERT HOUSTON,)	
Director of Corrections,)	
)	
Respondent.)	

This matter is before the Court on its own motion. Attorney Brandie Fowler was appointed as counsel for the Plaintiff, David Ivey, on July 16, 2007. At that time, Attorney Fowler was ordered to enter an appearance and to confer with Ivey within 30 days, and Ivey was granted leave to file an Amended Petition within 60 days. Both deadlines have passed, and there has been no activity in this case. Several weeks ago, in a telephone call with a member of my staff, Attorney Fowler stated that Ivey intended to dismiss this action without prejudice. This has not been done. Ivey has since filed another action under Case No. 4:07cv3242. Based on these events,

IT IS ORDERED:

1. On or before Friday, October 19, 2007, Plaintiff, through his appointed counsel, is hereby ordered to show good cause why this case should not be dismissed without prejudice for lack of prosecution;
2. Plaintiff is put on notice that failure to comply with this order will likely result in the dismissal of this action without prejudice.

DATED this 15th day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge